

NYSDA 2022 OFFSHORE WIND SOLICITATION ORECRFP22-1

Chapter 10 Appendices

Public version

Community Offshore Wind LLC
Lease OCS-A 0539



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10-1 Case Study: RWE Onshore – Cassadaga Wind Farm

Case study: RWE Renewables – Article 10 Onshore Wind Permitting

RWE Renewables, as Cassadaga Wind, LLC, developed and operates the Cassadaga Wind Project (Cassadaga), a 125-MW onshore wind farm located in the Towns of Charlotte, Cheery Creek, and Stockton, NY that began commercial operations in 2021. Cassadaga consists of 37 wind turbines and was permitted by the Board on Electric Generation Siting and the Environment (Siting Board) through the New York Article 10 process as a large generating facility.

This was the first renewable energy project to receive a Certificate of Environmental Compatibility and Public Need (CECPN) from the Siting Board (received in January 2018). RWE acquired the project from the previous developer in 2018 after receipt of the CECPN and completed the remaining permitting obligations which included an application for an Individual 404 Permit from the US Army Corps of Engineers (for unavoidable impacts to wetlands and streams), a State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity from the NYSDEC, crossing and highway work permits from NYSDOT, and completion and approval of numerous compliance filings required by the CECPN by the NYS Public Service Commission. The USACE permit and CECPN required development and approval of a Wetland Mitigation Plan, which necessitated close coordination with NYSDEC and USACE. As this was the first project to be approved under Article 10, approval of the compliance filing required frequent coordination with NYS Department of Public Service (DPS) staff. In addition, the final design of the Project required submission and approval of four Amendments, which again required close coordination with agency staff as these were first approvals of their kind.

The Project began construction in October 2019 and—after delays resulting from the COVID-19 pandemic—began commercial operations in July 2021. Throughout construction and operation, RWE has maintained ongoing consultation and coordination with NYSDPS and NYSDEC staff.

Photo of a Portion of the Cassadaga Wind Farm



10-2 Case Study: RWE Onshore – Baron Winds

Case study: RWE Renewables – Article 10 Onshore Wind Permitting

RWE Renewables, as Baron Winds, LLC, developed and operates the Baron Winds Project (Baron Winds) located in the Towns of Cohocton, Dansville, Wayland, and Fremont, in Steuben County, NY. Baron Winds is proposed to be constructed in two phases: phase 1 consisting of 32 wind turbines, for a total of 122-MW and phase 2 consisting of up to 26 wind turbines for an additional 117-MW. Phase 1 began construction in 2021, with commercial operations beginning in January 2023. Phase 2 is anticipated to begin operations in 2024. Baron Winds was permitted by the Board on Electric Generation Siting and the Environment (Siting Board) through the New York Article 10 process as a large generating facility.

RWE acquired this project in 2018, and prepared and submitted the application for a Certificate of Environmental Compatibility and Public Need (CECPN) under Article 10 as well as a Pre-Construction Notification (PCN) for use of a Nationwide Permit to the US Army Corps of Engineers (USACE), an application for a State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity from the NYSDEC, and crossing and highway work permits from NYSDOT. These permits all required close and frequent coordination with the various agencies.

A particular challenge for this project was the presence of nearby Bald Eagle nests. During the application process a Bald Eagle nest was discovered in relatively close proximity to the project. This discovery led to the need for additional surveys and consultation with NYSDEC and NYSDPS staff. As a result of the nearby nest, the conditions of the CECPN included a requirement to development of an Endangered and Threatened Species Mitigation Plan (ETSMP) for potential impacts to Bald Eagles. This was the first wind energy project to be required to develop a plan such as this, requiring multiple years of consultations with agency staff to identify an acceptable mitigation solution to provide a net benefit for bald eagles. The final ETSMP, which included acquisition and preservation of land containing threatened Bald Eagle nests, was approved by the Public Service Commission in October 2022.

Aerial Photo of Wind Turbines at the Baron Winds Project



10-3 Case Study: National Grid Article VII – Rock Tavern to Sugarloaf

Case Study: NGV Article VII Experience – New York Energy Solution

National Grid Ventures, as an owner of New York Transco, recently submitted two successful Article VII applications for the New York Energy Solution, including the Segment B Project and the Rock Tavern to Sugarloaf (RTS) Project. These transmission line reconductoring projects are 54 miles and 12 miles long respectively. Of note for both are the speed of Certificate of Environmental Compatibility and Public Need (CECPN) approval. In particular, the team built on the lessons from the Segment B application, ensuring that the Rock Tavern to Sugarloaf application was fully compliant with no deficiencies three months after submission. The team built an excellent working relationship with the New York Department of Public Service (DPS) through Article VII application, Joint Proposal negotiations, CECPN, Environmental Management and Construction Plan submission and Notice to Proceed. Both projects commenced construction on schedule, in 2021 and 2022 respectively, maintaining the relationship with DPS and striving for full compliance.

Examples of NGV's cooperation with the DPS include:

1. During the July 4, 2022 holiday weekend, at the direction of the Department of Environmental Conservation (DEC) and DPS, All-Terrain Vehicles broke down exclusionary fences NGV had erected to keep Blanding's turtles from entering one construction site. The DEC and DPS ordered us to not begin construction at that site until the end of the Blanding's turtle nesting season in September. The road across this site provided access to nine additional sites where foundations needed to be drilled and erected. To avoid this construction delay, we negotiated an agreement with DEC and DPS to move the exclusionary fence to the edge of the access road to permit our use of the access road for the nine sites during the summer and then returned in the Fall to construct the foundation at that initial site.
2. In consultation with DPS it was agreed to split the Environmental Management and Construction Plan (EM&CP) submission into manageable chunks, three in total, that would allow the DPS to review in a timely manner while also allowing New York Transco to focus other state and federal approvals and commence essential construction in time to maintain the schedule.
3. During EM&CP approval the DPS requested that we limit our number of change requests. Previous submissions for Segment A and Smart Path had 45 and 52 change requests, respectively. With the DPS request in mind we limited change requests for Segment B to only at 13 and RTS at 2. We manage this by taking time to assess the bandwidth of our CECPN, making a case verbally to DPS to ensure that only necessary changes were formally requested and ensuring we did not constrain DPS resources.
4. We self-report in a timely manner any potential conflicts with our conditions of construction, often rectifying before DPS feels the need to intervene.

National Grid Made a Conscious Effort to Return Rights of Way to Original Condition

